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DEC 02 2002  
U.S. TRADEMARK OFFICE

Attorney's Docket No.:5652.P013XCD

#3  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark W. Miles, et al.

Application No.: 10/082,397

Filed: February 25, 2002

For: VISIBLE SPECTRUM MODULATOR ARRAYS

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**(FILING DATE GRANTED)**

Sir:

In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed September 23, 2002, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$65.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);
- (3) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/25/2002

*V. Moodley*

Vani Moodley  
Under 37 CFR § 10.9(b)

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231 on:

November 25, 2002

(Date of Deposit)

Dawn R. Shaw

(Typed or printed name of person mailing correspondence)

Dawn Shaw  
Signature

11-25-02  
Date



## FEE TRANSMITTAL FOR FY 2003

**TOTAL AMOUNT OF PAYMENT (\$)** 65.00

**Complete if Known:**

Application No. 10/082,397  
 Filing Date February 25, 2002  
 First Named Inventor Mark W. Miles  
 Group Art Unit 2873  
 Examiner Name Unassigned  
 Attorney Docket No. 5652P013XCD

**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
 Deposit Account Name \_\_\_\_\_

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
                         Money Order  
                         Other

**FEE CALCULATION**

**1. BASIC FILING FEE**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
1001	740	2001	370
1002	330	2002	165
1003	510	2003	255
1004	740	2004	370
1005	160	2005	80
		Utility application filing fee	_____
		Design application filing fee	_____
		Plant filing fee	_____
		Reissue filing fee	_____
		Provisional application filing fee	_____

**SUBTOTAL (1) \$** \_\_\_\_\_

**2. EXTRA CLAIM FEES**

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	- 20** = _____	X _____	= _____
Independent Claims	- 3** = _____	X _____	= _____
Multiple Dependent			= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

**Large Entity** **Small Entity**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>
Fee	Fee	Fee
Code	(\$)	Code
1202	18	2202
		9
		Claims in excess of 20
1201	84	2201
		42
		Independent claims in excess of 3
1203	280	2203
		140
		Multipl depend nt claim, if n t paid
1204	84	2204
		42
		**Reissue ind p nd nt claims v r riginal pat nt
1205	18	2205
		9
		**R issue claims in xcess of 20 and ver riginal patent

**SUBTOTAL (2) \$** \_\_\_\_\_

**FEE CALCULATION (continu d)**

**3. ADDITIONAL FEES**

<u>Larg Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>		
<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>(\$)</u>		
<u>Code</u>	<u>Code</u>	<u>Fee</u>	<u>(\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	\$65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	740	2810	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,280	1454	1,280	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$65.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Vani Moodley, Under 37 CFR § 10.9(b)

Signature: V. Moodley Dat : 11/25/2002

Telephone Number: 408 720-8300

#3



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,397	08/06/2002	Mark W. Miles	05652.P013XCD

James H. Salter  
Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025



**CONFIRMATION NO. 6992**  
**FORMALITIES LETTER**



\*OC000000008830555\*

Date Mailed: 09/23/2002

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration does not cover the newly submitted items.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65** Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*

*M. Dwyer*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE